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7 TERADATA CORPORATION, et al.,  
8 Plaintiffs,  
9 v.  
10 SAP SE, et al.,  
11 Defendants.

Case No. 18-cv-03670-WHO (JCS)

**SUPPLEMENTAL ORDER  
REGARDING DISCOVERY LETTER  
AND EMERGENCY MOTION**

Re: Dkt. Nos. 295, 313, 314

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13 The parties filed a joint letter, in which, among other things, Teradata complained that SAP  
14 had not fully responded to four contention interrogatories, despite SAP's demand that Teradata  
15 provide complete responses to contention interrogatories propounded by SAP. In turn, SAP  
16 complained that Teradata had yet to provide "complete responses to 12 SAP contention  
17 interrogatories, deeming them 'premature.'" Dkt. 295 at 3. The Court resolved this back-and-  
18 forth at the hearing on October 9, 2020:

19 THE COURT: . . . So what I would order is for SAP to complete its  
20 supplementation of these Contention Interrogatories 7 through 11  
21 using complete -- giving complete answers of all the information that  
22 is in its possession as of October 12th in that response, and for  
23 Teradata to do the same about any disputed contention interrogatories  
24 that haven't been finally answered by the same date with respect -- in  
25 the same way. And I want to know what those are so I can include  
26 them.

27 Anyone want to comment on that?

28 MR. LANIER: Your Honor, for SAP, Greg Lanier, no  
comment. We understand.

MR. WHITAKER: And for Teradata, Your Honor, Mark  
Whitaker, no comment.

THE COURT: Okay. . . .

1 Transcript (dkt. 317) at 24:10–24.

2 The Court’s ruling, therefore, was that both sides had to give complete answers to  
3 contention interrogatories in dispute by October 12. No counsel objected to that ruling or to the  
4 timing of the answers at the hearing, which was memorialized in an order later the same day. *See*  
5 dkt. 313.

6 Apparently, the Court was naive in thinking that this resolved the matter: Rather than rely  
7 on the assumption that each counsel’s “no comment” indicated agreement at least as to the  
8 interrogatories that were in dispute, the Court should have required identification of the disputed  
9 SAP interrogatories at the hearing. SAP emailed the Clerk to identify those contention  
10 interrogatories. Teradata challenged that list, and followed up with an emergency motion (dkt.  
11 314) making the additional salient point (which should have been made at the hearing when the  
12 court set the date) that the date set for Teradata to respond to SAP’s contention interrogatories was  
13 to soon—three days after the hearing—and requesting until October 26 to supplement the  
14 interrogatories identified by SAP in its email to the Clerk: 2, 5, 9, 13, 21, 26, 38, and 39 (the  
15 “SAP Contention Interrogatories”). The Court agrees with Teradata that October 12, although  
16 appropriate for SAP’s supplementation of interrogatories because it was proposed by SAP, is too  
17 soon for Teradata’s response. The Court therefore adopts Teradata’s proposal.

18 The parties shall meet and confer regarding the SAP Contention Interrogatories. Proper  
19 answers to contention interrogatories must include all information available to a party on the date  
20 of response—here, the Courts sets October 26 as the date for supplementation of Teradata’s  
21 response to the SAP Contention Interrogatories.

22 **IT IS SO ORDERED.**

23 Dated: October 10, 2020

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25 JOSEPH C. SPERO  
Chief Magistrate Judge

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